

TYENDINAGA MOHAWK COUNCIL MINUTES
APRIL 11, 2014

A special meeting of the Tyendinaga Mohawk Council was held on Friday, April 11, 2014 at 10:00 a.m. in the Council Chambers to address Administrative issues and to discuss the Surrender 24.

Present: Chief R. Donald Maracle
Councillors: Douglas E. Maracle, Carl Ted Maracle and Barry Brant
Sandra J. Lewis-den Otter absent due to other commitments
Staff: Dan Brant, CAO and Angela Maracle, Senior Director of Operations

Chief Maracle opened the meeting with a Prayer.

MOTION #1: Moved by Barry Brant, seconded by Douglas E. Maracle that the Tyendinaga Mohawk Council approve that the Mohawks of the Bay of Quinte are seeking a relationship with the First Nations Financial Management Board (FNFMB) and the First Nations Finance Authority (FNFA) in order to access funding for infrastructure projects.

WHEREAS

- A. Mohawks of the Bay of Quinte has made a request to be named in the Schedule to the *First Nations Fiscal Management Act* (“the Act”);
- B. Upon being scheduled to the Act, Council of Mohawks of the Bay of Quinte wishes to enact a financial administration law under section 9(1) of the Act and to request the First Nations Financial Management Board (“the FMB”) to review and issue a compliance approval of the enacted law under section 9 of the Act; and
- C. Upon being scheduled to the Act, Council of Mohawks of the Bay of Quinte wishes to request the FMB to review the Mohawks of the Bay of Quinte’s financial performance and issue the Mohawks of the Bay of Quinte a Financial Performance Certificate under section 50(3) of the Act.

NOW THEREFORE BE IT RESOLVED that the Council, for and on behalf of the Mohawks of the Bay of Quinte, hereby:

- 1. authorizes and directs Daniel J. Brant, Chief Administrative Officer, on behalf of the Mohawks of the Bay of Quinte to do the following:
 - a. to send a copy of this Council resolution to the FMB; and
 - b. to seek the informal assistance of FMB as available and appropriate in order to recommend to Council for enactment a financial administration law that complies with the requirements of the FMB’s *Financial Administration Law Standards* established under the Act; and
- 2. authorizes *Templeman Menninga*, on behalf of the Mohawks of the Bay of Quinte, to communicate with the FMB respecting the enactment of a financial administration law by the Council;
- 3. after enactment of a financial administration law by Council under section 9 of the Act (“the Law”), authorizes and directs

Disclaimer: Comments of individual members may not necessarily reflect the opinion of the whole Council.

Daniel J. Brant, Chief Administrative Officer, on behalf of the Mohawks of the Bay of Quinte, to do the following:

- a. to request the FMB to conduct a formal review and issue a compliance approval of the Law under section 9 of the Act; and
 - b. to deliver to the FMB all documents required by the FMB to conduct a formal review of the Law including any required original and electronic copies of the Law with evidence of enactment of the Law in a form satisfactory to the Board;
4. after the FMB issues a compliance approval of the Law, authorizes the FMB to deliver an original copy of the Law enacted by Council to the registry referred to in section 31(4) of the Act;
5. directs and authorizes Daniel J. Brant, Chief Administrative Officer, on behalf of the Mohawks of the Bay of Quinte to do the following:
- a. to seek the informal assistance of the FMB as available and appropriate in order to receive a Financial Performance Certificate from the FMB;
 - b. to request the FMB to conduct a formal review of the Mohawks of the Bay of Quinte's financial performance to determine if the Mohawks of the Bay of Quinte is, at the time of the review, in compliance with the FMB's *Financial Performance Standards* and to issue a Financial Performance Certificate to the Mohawks of the Bay of Quinte under section 50(3) of the Act;
 - c. to communicate with and provide all requested documents and information to the person authorized by the FMB to conduct the review of the Mohawks of the Bay of Quinte's financial performance on behalf of the FMB ("the reviewer") as required under the FMB's *Financial Performance Certification Procedures*;
 - d. to disclose to the reviewer any events subsequent to the date of the last audited annual financial statements of the Mohawks of the Bay of Quinte that would materially impact any information provided by or on behalf of the Mohawks of the Bay of Quinte for purposes of the review of the Mohawks of the Bay of Quinte's financial performance or to confirm to the reviewer that there are no subsequent events, as the case may be; and
 - e. to verify and confirm that any normalization adjustment described in Standard 8.0 of the *Financial Performance Standards* that the FMB has advised is being proposed for consideration by the FMB in the financial performance review is based upon information provided by or on behalf of the Mohawks of the Bay of Quinte that is correct, is not misleading and does not omit any material information;

6. directs and authorizes Chief, all councillors, officers and employees of the Mohawks of the Bay of Quinte to cooperate, as required in the FMB's *Financial Performance Certification Procedures*, with the reviewer when conducting the review of the Mohawks of the Bay of Quinte's financial performance;
7. authorizes Wilkinson & Company to communicate with the FMB and to cooperate, as required in the FMB's *Financial Performance Certification Procedures*, with the reviewer when conducting the review of the Mohawks of the Bay of Quinte's financial performance;
8. authorizes all contractors, agents or advisors of the Mohawks of the Bay of Quinte to provide information to the reviewer respecting the Mohawks of the Bay of Quinte's dealings with them as they relate to matters arising in the review of the Mohawks of the Bay of Quinte's financial performance;
9. confirms that the Council of the Mohawks of the Bay of Quinte commits
 - a. to take all necessary actions to implement the Mohawks of the Bay of Quinte's financial management system in accordance with the requirements of the Mohawks of the Bay of Quinte's financial administration law that has been approved by the FMB under section 9 of the Act and the FMB's *Financial Management System Standards*, and
 - b. to request and obtain a Financial Management System Certificate for the Mohawks of the Bay of Quinte from the FMB before the Mohawks of the Bay of Quinte passes a borrowing law for a second loan from the First Nations Finance Authority and, in any event, not later than 36 months after the Mohawks of the Bay of Quinte is accepted as a borrowing member of the First Nations Finance Authority;
10. confirms and agrees that the Mohawks of the Bay of Quinte will indemnify, defend and hold harmless the FMB, its directors, officers and employees and every person acting on behalf of or under the direction of the FMB, its directors, officers or employees from any damages, costs, claims or causes of action arising from the conduct of a review of financial performance under the *Financial Performance Certification Procedures*, from the reporting and consideration of the results of the review, from the giving of an opinion respecting the review and from the issuance or revocation of a *Financial Performance Certificate* unless these damages, costs, claims or causes of action result from gross negligence or bad faith; and
11. confirms that this resolution was approved at a duly called and conducted Council meeting of the Mohawks of the Bay of Quinte at which the required quorum of councillors was present throughout and that the required number of councillors approved the resolution at the meeting.
M.C.R. #2014/15-006

Carried.

MOTION #2: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that the Council approve donating \$5,000.00 for the Quinte Mohawk School Builder Club kids to Kenya.

Carried.

MOTION #3: Moved by Douglas E. Maracle, seconded by Carl E. (Ted) Maracle that Council approve donating \$1,000.00 to Tristan Nugent to attend the National College Athletic Association hockey development camp.

Carried.

Lisa Maracle, Director of Community Services, Amy Cowie, Research Officer and Alan Pratt MBQ Legal Counsel attended Council to present an update on the Surrender 24 Land Issue.

MOTION #4: Moved by Douglas E. Maracle, seconded by Carl E. (Ted) Maracle that Council approve drafting a contract to hire Carl Beal to complete research on the surrender 24 issue.

Carried.

MOTION #5: Moved by Douglas E. Maracle, seconded by Carl E. (Ted) Maracle that Council approve staff providing Carl Beal the information to complete his research.

Carried.

MOTION #6: Moved by Barry Brant, seconded by Carl E. (Ted) Maracle that this meeting be adjourned. (2:05 p.m.)

Carried.

Recorded by:
Shelley Bowden

Dan Brant
CAO

Chief R. Donald Maracle